Case 09-02525 Doc 1 Filed 01/28/09 Entered 01/28/09 13:58:24 Desc Main Document Page 1 of 9

B1 (Official )	Form 1)(1/0	08)				Joannoi		490 ± 0	,, ,				
			United No			ruptcy of Illino					Vol	untary	Petition
Name of Debtor (if individual, enter Last, First, Middle):  Kadhem, Wissam J					Name	of Joint De	ebtor (Spouse	e) (Last, First	t, Middle):				
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						All O (inclu	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):						
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)  xxx-xx-9889						IN Last f	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)						
Street Address of Debtor (No. and Street, City, and State):  9648 Golf Terrace, Apt 2E  Des Plaines, IL							Street Address of Joint Debtor (No. and Street, City, and State):						
					Г	ZIP Code <b>60016</b>	,						ZIP Code
County of R Cook	esidence or	of the Prin	cipal Place o	of Busines	s:		Coun	ty of Reside	ence or of the	Principal Pl	ace of Busin	ness:	
Mailing Add	lress of Deb	otor (if diffe	erent from st	reet addres	ss):		Maili	ng Address	of Joint Debt	tor (if differe	ent from stre	et address):	
					_	ZIP Code	:						ZIP Code
Location of (if different)				r	<u> </u>								
	Type of	f Debtor			Nature	of Business	;		Chapter	r of Bankru	ptcy Code l	U <b>nder Whi</b> e	ch
(Form of Organization) (Check one box)  ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP)			(Check one box)  Health Care Business Single Asset Real Estate as def in 11 U.S.C. § 101 (51B) Railroad Stockbroker			s defined	Chapt Chapt Chapt Chapt Chapt Chapt	ter 7 ter 9 ter 11 ter 12	of	hapter 15 P f a Foreign I hapter 15 P	one box) etition for R Main Procee etition for R Nonmain Pr	eding ecognition	
☐ Partnersh	hip			☐ Commodity Broker☐ Clearing Bank				Спарі	iei 13				******
Other (If check this				Oth	Other						e of Debts		
check this box and state type of entity below.)				und	Tax-Exempt Entity (Check box, if applicable)  □ Debtor is a tax-exempt organiz under Title 26 of the United Sta Code (the Internal Revenue Co			States "incurred by an individual primarily for				1 ,	
		_	ee (Check o	ne box)				one box:		Chapter 11		11 11 0 0	101/5170
<ul> <li>Full Filing Fee attached</li> <li>☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.</li> <li>☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.</li> </ul>					Check	<ul> <li>□ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).</li> <li>□ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).</li> <li>Check if:</li> <li>□ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.</li> <li>Check all applicable boxes:</li> <li>□ A plan is being filed with this petition.</li> <li>□ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).</li> </ul>							
Debtor e	stimates tha	t funds wil t, after any	l be availabl	perty is ex	cluded and	administrat		es paid,		THIS	S SPACE IS I	FOR COURT	USE ONLY
Estimated N  1- 49	umber of Co	reditors  100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000				
Estimated A  \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion					
Estimated Li  \$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,000 to \$500 million	\$500,000,001 to \$1 billion					

Case 09-02525 Doc 1 Filed 01/28/09 Entered 01/28/09 13:58:24 Desc Main Document Page 2 of 9

B1 (Official For	m 1)(1/08)	Page 2 01 9	Page 2			
Voluntar	y Petition	Name of Debtor(s):  Kadhem, Wissam J				
(This page mu	est be completed and filed in every case)	Raunem, wissam 3				
( Fg	All Prior Bankruptcy Cases Filed Within Las	t 8 Years (If more than two, att	ach additional sheet)			
Location Where Filed:		Case Number:	Date Filed:			
Location Where Filed:		Case Number:	Date Filed:			
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mo	ore than one, attach additional sheet)			
Name of Debt - None -	or:	Case Number:	Date Filed:			
District:		Relationship:	Judge:			
	Exhibit A	(To be completed if debton is on in	Exhibit B dividual whose debts are primarily consumer debts.)			
forms 10K a pursuant to S and is reques	pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)  A is attached and made a part of this petition.	I, the attorney for the petitioner thave informed the petitioner th 12, or 13 of title 11, United Sta	r named in the foregoing petition, declare that I at [he or she] may proceed under chapter 7, 11, ttes Code, and have explained the relief available her certify that I delivered to the debtor the notice.  January 27, 2009			
	Ek	Libit C				
	or own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.		ntifiable harm to public health or safety?			
	Exh	nibit D				
Exhibit  If this is a join	-	a part of this petition.				
☐ Exhibit	D also completed and signed by the joint debtor is attached a	and made a part of this petition.				
	Information Regarding	=				
•	(Check any ap Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or principa				
	There is a bankruptcy case concerning debtor's affiliate, go	0 1	·			
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.						
	Certification by a Debtor Who Reside		Property			
	(Check all app Landlord has a judgment against the debtor for possession		necked, complete the following.)			
	(Name of landlord that obtained judgment)					
	(Address of landlord)	<del>-</del>				
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment					
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	ourt of any rent that would beco	me due during the 30-day period			
	Debtor certifies that he/she has served the Landlord with t	his certification. (11 U.S.C. § 3	62(l)).			

B1 (Official Form 1)(1/08) Page 3

# **Voluntary Petition**

(This page must be completed and filed in every case)

## Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

### ▼ /s/ Wissam J Kadhem

Signature of Debtor Wissam J Kadhem

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

January 27, 2009

Date

#### Signature of Attorney\*

## X /s/ Edwin L. Feld

Signature of Attorney for Debtor(s)

#### Edwin L. Feld 6188070

Printed Name of Attorney for Debtor(s)

### Feld & Korrub, LLC

Firm Name

29 South LaSalle Street Suite 328 Chicago, IL 60603

Address

### 312-263-2100 Fax: 312-263-9838

Telephone Number

# January 27, 2009

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

## Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):

Kadhem, Wissam J

## Signatures

## Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

## Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 09-02525 Doc 1 Filed 01/28/09 Entered 01/28/09 13:58:24 Desc Main Document Page 4 of 9

B 1D(Official Form 1, Exhibit D) (12/08)

# **United States Bankruptcy Court** Northern District of Illinois

In re	Wissam J Kadhem		(	Case No.	
		Debtor(s)		Chapter	7

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] \_\_\_\_

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

Case 09-02525 Doc 1 Filed 01/28/09 Entered 01/28/09 13:58:24 Desc Main Document Page 5 of 9

B 1D(Official Form 1, Exhibit D) (12/08) - Cont.
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
$\Box$ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. $\S$ 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: // // Wissam J Kadhem Wissam J Kadhem
Date: January 27, 2009

or

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

# NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

## 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

## 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

## Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments

B 201 (12/08) Page 2

over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

# **Chapter 11:** Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

# Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

# 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

## **Certificate of Attorney**

X /s/ Edwin L. Feld

Signature of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

29 South LaSalle Street Suite 328 Chicago, IL 60603 312-263-2100			
I (We), the debtor(s), affirm that I (we) I	Certificate of Deb		
Wissam J Kadhem	X /s/ V	Vissam J Kadhem	January 27, 2009
Printed Name(s) of Debtor(s)	Sign	ature of Debtor	Date
Case No. (if known)	X		
<del></del>	Sign	ature of Joint Debtor (if any)	Date

Edwin L. Feld

Address:

Printed Name of Attorney

January 27, 2009

Date

Capital One Auto Finance PO Box 261930 Plano, TX 75026

Chase Cardmember Service PO Box 15153 Wilmington, DE 19886

GEMB JC Penney PO Box 981131 El Paso, TX 79998

Greater Elgin Emerg Sp c/o CCB 755 Almar Pkwy Bourbonnais, IL 60914

HSBC Best Buy PO Box 15519 Wilmington, DE 19850

HSBC Card Services PO Box 17051 Baltimore, MD 21297

Lisa Khaya

MRSI 2250 E Devon, Suite 352 Des Plaines, IL 60018

Retail Services PO Box 17602 Baltimore, MD 21297

Sears CBSD PO Box 6189 Sioux Falls, SD 57117

Sears Credit Cards PO Box 183081 Columbus, OH 43218 Sherman Hospital 934 Center St Elgin, IL 60120

T Mobile PO box 742596 Cincinnati, OH 45274

Toyota Financial Services PO Box 5855 Carol Stream, IL 60197

WaMu PO Box 660487 Dallas, TX 75266